

REMARKS

Claim 1 has been amended to include the subject matter of previous dependent claims 8 and 9 which were rejected under 35 U.S.C. 103(a) as being unpatentable over Coombs in view of Quase (U.S. 3,674,687). The examiner stated that the pre-tank of Quase includes a “cover plate” (valve gates 94, 86 and associated walls of a valve chamber) that would reduce turbulence within the tank. The examiner also stated that it would have been obvious to one of ordinary skill in the art of the time of the invention to have the cover plate of Quase in the invention of Coombs, since Quase teaches the benefit of a means for transferring wastewater between tanks.

Applicant disagrees with the examiner’s interpretation of Quase. Line 15 of column 4 of Quase refers to a “a groove in the floor of chamber 70”, clearly indicating that the drawing shows a plan view of the separation unit 60 in Figure 1. There is no disclosure or teaching that valve gates 94, 86 and associated walls of a valve chamber would do anything to reduce turbulence. Currently amended claim 1 calls for a cover plate which covers the stump with a spacing between the cover plate and the base of the pre-tank which is sufficiently small to reduce the turbulence of fluid within that tank, so that it is not unduly unsettled in storm conditions, when transfer takes place. This structure is not taught by or suggested in the references cited by the examiner.

Because of the amendment of claim 1 to include the subject matter of previous dependent claims 8 and 9, it is believed that the rejection of claim 1 and its dependent claim 3 under 35 U.S.C. 102(b) as being anticipated by Coombs has been overcome. It is also believed that the rejection of prior art claims 8 and 9 based on obviousness under 35 U.S.C. 103(a) based on a combination of Coombs and Quase has also been overcome.

Newly submitted method claim 14 distinguishes from the combination of Coombs and Quase for the same reasons stated for currently amended apparatus claim 1.

For the foregoing reasons, a consideration and allowance of the claims of this application are requested.

Respectfully submitted,

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